

REMARKS

This is a full and timely response to the outstanding Office action mailed March 7, 2005. Upon entry of the amendments in this response claims 1-20 are pending. More specifically, claims 1, 6, 11, and 16 are amended. These amendments are specifically described hereinafter. It is believed that the foregoing amendments add no new matter to the present application.

I. Present Status of Patent Application

Claims 1-5 and 16-20 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Claims 1, 2, 6, 7, 11, 12, 16 and 17 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Berstis, (U.S. Patent No. 6,182,122) in view of Adar *et al.*, (U.S. Patent No. 6,493,702). Claims 3-5, 8-10, 13-15 and 18-20 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Berstis, and Adar, in view of Barrett *et al.*, (U.S. Patent No. 5,727,129).

II. Examiner Interview

Applicant first wishes to express his sincere appreciation for the time that Examiner Chankong spent with Applicants' Attorneys Jeffrey Kuester and Benjamin Balser during a March 23, 2005 telephone discussion regarding the above-identified Office Action. Applicants believe that certain important issues regarding a custom prediction aspect for a particular user were identified during the telephone discussion, and that they are resolved herein. During that conversation, Examiner Chankong seemed to indicate that it would be potentially beneficial for Applicants to file this amendment and response. Thus, Applicants respectfully request that Examiner Chankong carefully consider this amendment and response.

III. Rejections Under 35 U.S.C. §112

Claims 1-5 and 16-20 were rejected under U.S.C. §112 first paragraph as allegedly failing to comply with the written description requirement. Claims 1 and 16 were amended, thereby rendering the written description requirement rejection moot.

IV. Rejections Under 35 U.S.C. §103(a)

A. Claims 1-5

The Office Action rejects claims 1-5 under 35 U.S.C. §103(a) as being unpatentable over *Berstis* (U.S. Patent No. 6,182,122) in view of *Adar* (U.S. Patent No. 6,493,702) further in view of *Barrett* (U.S. Patent No. 5,727,129). For the reasons set forth below, Applicants respectfully traverse the rejection.

Independent claim 1 recites:

1. A system for facilitating communication between a user and a network of information items, comprising:

a remote data storage device for storing the information items, wherein the information items are stored in the form of pages, and wherein the pages contain a plurality of links to other information items;

a client device having a user interface program thereon, for allowing a user to interface with the network and request the information items;

a server device, in communication with the client device and in communication with the remote storage device, for handling information requests from multiple clients and for storing information retrieved from the data storage devices locally in a server cache memory;

a data collection module for collecting and storing successive actions of a particular authenticated user; and

a probability module in communication with the data collection module for calculating a probability for the desirability of the links by the particular user and for comparing the probability to a predetermined threshold value to identify predicted links and for retrieving the predicted information items associated with the links from the remote data storage devices and storing the predicted information items in the server cache memory in advance of the particular user's request for the selected information items.

For a proper rejection of a claim under 35 U.S.C. §103, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. *See, e.g., In re Dow Chemical.*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988) and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981). Applicant respectfully submits that independent claim 1 as amended is allowable for at least the reason that none of *Berstis*, *Adar* nor *Barrett* alone or in combination disclose, teach, or suggest at least a **probability module in communication with the data collection module for calculating a probability for the desirability of the links by the particular user and for comparing the probability to a predetermined threshold value to identify predicted links and for retrieving the predicted information items associated with the links from the remote data storage devices and storing the predicted information items in the server cache memory in advance of the particular user's request for the selected information items.**

As shown above, the cited combination of references does not disclose, teach, or suggest, either implicitly or explicitly, all the elements of independent claim 1. Notwithstanding, no such teaching can be identified anywhere within these references. Therefore, the rejection should be withdrawn. Additionally and notwithstanding the analysis hereinabove, there are other reasons why independent claim 1 is allowable.

Because independent claim 1 is allowable over the cited art of record, dependent claims 2-5 (which depend from their independent claim 1) are allowable as a matter of law for at least the reason that dependent claims 2-5 contain all the steps/features of their respective independent claim 1. *See Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002) *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989). Therefore, the rejection to claims 2-5 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 1 dependent claims 2-5 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited art of record. Hence there are other reasons why dependent claims 2-5 are allowable.

B. Claims 6-10

The Office Action rejects claims 6-10 under 35 U.S.C. §103(a) as being unpatentable over *Berstis* (U.S. Patent No. 6,182,122) in view of *Adar* (U.S. Patent No. 6,493,702) further in view of *Barrett* (U.S. Patent No. 5,727,129). For the reasons set forth below, Applicants respectfully traverse the rejection.

Independent claim 6 recites:

6. A method for facilitating communication between a user and a network of information items, comprising:

storing the information items on a remote data storage device, wherein the information items are stored in the form of pages, and wherein the pages contain a plurality of links to other information items;

configuring a client device having a user interface program thereon, to allow a user to interface with the network and request a download of the information items;

configuring a server device for handling information requests from multiple clients and for storing information retrieved from the data storage devices locally in server cache memory;

collecting and storing successive actions of an authenticated particular user;

calculating a probability for the links associated with the successive actions of the authenticated particular user;

comparing the probability to a predetermined threshold value;

retrieving the information items associated with the links from the remote data storage devices; and

storing the information items in the server cache memory in advance of the particular user's request for the selected information items.

For a proper rejection of a claim under 35 U.S.C. §103, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. *See, e.g., In re Dow Chemical.*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988) and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A.

1981). Applicant respectfully submits that independent claim 6 as amended is allowable for at least the reason that that none of *Berstis*, *Adar* nor *Barrett* alone or in combination disclose, teach, or suggest at least **collecting and storing successive actions of an authenticated particular user**.

As shown above, the cited combination of references does not disclose, teach, or suggest, either implicitly or explicitly, all the elements of independent claim 6. Notwithstanding, no such teaching can be identified anywhere within these references. Therefore, the rejection should be withdrawn. Additionally and notwithstanding the analysis hereinabove, there are other reasons why independent claim 6 is allowable.

Because independent claim 6 is allowable over the cited art of record, dependent claims 7-10 (which depend from their independent claim 6) are allowable as a matter of law for at least the reason that dependent claims 7-10 contain all the steps/features of their respective independent claim 6. *See Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002) *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989). Therefore, the rejection to claims 7-10 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 6 dependent claims 7-10 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited art of record. Hence there are other reasons why dependent claims 7-10 are allowable.

C. Claims 11-15

The Office Action rejects claims 11-15 under 35 U.S.C. §103(a) as being unpatentable over *Berstis* (U.S. Patent No. 6,182,122) in view of *Adar* (U.S. Patent No. 6,493,702) further in view of *Barrett* (U.S. Patent No. 5,727,129). For the reasons set forth below, Applicants respectfully traverse the rejection.

Independent claim 11 recites:

11. A method for facilitating communication between a user and a network of information items, comprising:

means for storing the information items on a remote data storage device, wherein the information items are stored in the form of pages, and wherein the pages contain a plurality of links to other information items;

means for configuring a client device having a user interface program thereon, to allow a user to interface with the network and request a download of the information items;

means for configuring a server device for handling information requests from multiple clients and for storing information retrieved from the data storage devices locally in server cache memory;

means for collecting and storing successive actions of an authenticated particular user;

means for calculating a probability for the links associated with the successive actions of the authenticated particular user;

means for comparing the probability to a predetermined threshold value;

means for retrieving the information items associated with the links from the remote data storage devices; and

means for storing the information items in the server cache memory in advance of the particular user's request for the selected information items.

For a proper rejection of a claim under 35 U.S.C. §103, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. *See, e.g., In re Dow Chemical.*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988) and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981). Applicant respectfully submits that independent claim 11 as amended is allowable for at least the reason that none of *Berstis*, *Adar* nor *Barrett* alone or in combination disclose, teach, or suggest at least **means for collecting and storing successive actions of an authenticated particular user**.

As shown above, the cited combination of references does not disclose, teach, or suggest, either implicitly or explicitly, all the elements of independent claim 11. Notwithstanding, no such teaching can be identified anywhere within these references. Therefore, the rejection should be withdrawn. Additionally and notwithstanding the analysis hereinabove, there are other reasons why independent claim 11 is allowable.

Because independent claim 11 is allowable over the cited art of record, dependent claims 12-15 (which depend from their independent claim 11) are allowable as a matter of law for at least the reason that dependent claims 12-15 contain all the steps/features of their respective independent claim 11. *See Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002) *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989). Therefore, the rejection to claims 12-15 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 11 dependent claims 12-15 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited art of record. Hence there are other reasons why dependent claims 12-15 are allowable.

D. Claims 16-20

The Office Action rejects claims 16-20 under 35 U.S.C. §103(a) as being unpatentable over *Berstis* (U.S. Patent No. 6,182,122) in view of *Adar* (U.S. Patent No. 6,493,702) further in view of *Barrett* (U.S. Patent No. 5,727,129). For the reasons set forth below, Applicants respectfully traverse the rejection.

Independent claim 16 recites:

16. A network for facilitating communication between a user and a network of information items, comprising:

a remote data storage device for storing the information items, wherein the information items are stored in the form of pages, and wherein the pages contain a plurality of links to other information items;

a client device having a user interface program thereon, for allowing a user to interface with the network and request a download of the information items;

a server device, in communication with the client device and in communication with the remote storage device, for handling information requests from multiple clients and for storing information retrieved from the data storage devices locally in server cache memory;

a data collection module for collecting and storing successive actions of an authenticated particular user; and

a probability module in communication with the data collection module for calculating a probability for the links associated with the successive actions of the authenticated particular user, and for comparing the probability to a predetermined threshold value, and for retrieving the information items associated with the links from the remote data storage devices and storing the information items in the server cache memory in advance of the particular user's request for the selected information items.

For a proper rejection of a claim under 35 U.S.C. §103, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. *See, e.g., In re Dow Chemical.*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988) and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981). Applicant respectfully submits that independent claim 16 as amended is allowable for at least the reason that none of *Berstis*, *Adar* nor *Barrett* alone or in combination disclose, teach, or suggest at least **a probability module in communication with the data collection module for calculating a probability for the links associated with the successive actions of the authenticated particular user, and for comparing the probability to a predetermined threshold value, and for retrieving the information items associated with the links from the remote data storage devices and storing the information items in the server cache memory in advance of the particular user's request for the selected information items.**

As shown above, the cited combination of references does not disclose, teach, or suggest, either implicitly or explicitly, all the elements of independent claim 16. Notwithstanding, no such teaching can be identified anywhere within these references. Therefore, the rejection should be withdrawn. Additionally and notwithstanding the analysis hereinabove, there are other reasons why independent claim 16 is allowable.

Because independent claim 16 is allowable over the cited art of record, dependent claims 17-20 (which depend from independent claim 16) are allowable as a matter of law for at least the reason that dependent claims 17-20 contain all the steps/features of their respective independent claim 16. *See Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002) *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989). Therefore, the rejection to claims 17-20 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 16 dependent claims 17-20 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited art of record. Hence there are other reasons why dependent claims 17-20 are allowable.

V. Miscellaneous

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-20 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,



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